



201502190072

Skagit County Auditor

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9 3:33PM

After Recording Return to:

Arthur A. Shwab
Bush Strout & Kornfeld LLP
601 Union Street #5000
Seattle, WA 98101-2373

Document Title(s): Amended Petition, Notice and Affidavit for Filing Foreign Judgment

Reference Number(s) of Documents Assigned/Released: N/A

Grantor/Borrower: Dennis R. Cook, judgment debtor, via the Amended Petition, Notice and Affidavit for Filing Foreign Judgment dated January 29, 2015 and on file in the Superior Court of Skagit County, Washington entitled *1250 Oceanside Partners/1250 Oceanside Partners, v. Dennis R. Cook, et al.*, case No. 15-2-00145-3.

Grantee/Assignee/Beneficiary: 1250 Oceanside Partners, a Hawaii limited partnership, c/o Arthur A. Shwab, Bush Strout & Kornfeld LLP, 601 Union Street, Suite 5000, Seattle, WA 98101-2373

Legal Description (Abbreviated):

Lot 22, PLAT OF TINAS COMA, according to the Plat thereof recorded on August 11, 2000, under Auditor's File No. 200008110004, records of Skagit County, Washington.

Assessor's Tax Parcel Numbers: 200008110004

Legal Description

The land referred to herein is situated in the County of Skagit, State of Washington, and is described as follows:

Lot 22, PLAT OF TINAS COMA, according to the Plat thereof recorded on August 11, 2000, under Auditor's File No. 200008110004, records of Skagit County, Washington.



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2015 JAN 30 PM 2:12

I, MAVIS E. BETZ, Clerk of the Superior Court of the State of Washington, for Skagit County, do hereby certify that this is a true copy of the original now on file in my office. Dated 1/30/15



MAVIS E. BETZ, County Clerk

By:
Deputy Clerk

SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

In re

No. 15-2-00145-3

1250 OCEANSIDE PARTNERS, a Hawaii limited partnership, *et al.*,

AMENDED PETITION, NOTICE AND AFFIDAVIT FOR FILING FOREIGN JUDGMENT

Debtors and Debtors-in-Possession,

(Clerk's Action Required)

1250 OCEANSIDE PARTNERS, a Hawaii limited partnership,

[AMENDED ONLY AS TO CASE CAPTION—DEBTOR AND PLAINTIFF NAME]

Plaintiff,

v.

DENNIS R. COOK; SUN KONA FINANCE II, LLC, a Delaware limited liability company; HOKULI'A COMMUNITY ASSOCIATION, INC., a Hawaii non-profit corporation; HOKULI'A PARK AND CULTURAL SITES ASSOCIATION, INC., a Hawaii non-profit corporation; JOHN DOES 1-50; JANE DOES 1-50; DOE CORPORATIONS 1-50; DOE PARTNERSHIPS 1-50; and DOE ENTITIES 1-50,

Defendants.

NOTICE AND AFFIDAVIT FOR FILING FOREIGN JUDGMENT – Page 1

BUSH STROUT & KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104



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1 TO: Defendant Dennis R. Cook

2 STATE OF WASHINGTON)

)

ss.

3 COUNTY OF SKAGIT)

4 Arthur Shwab, being duly sworn on oath, declares as follows:

5 1. I am an attorney licensed to practice law in the State of Washington and
6 make this affidavit pursuant to RCW 6.36.035.

7 2. Judgment Debtor's Name and Last Known Address:

8 Dennis R. Cook
9 975 Bella Vista Ln.
Burlington, WA 98233-1488

10 3. Judgment Creditor's Name and Address:

11 1250 Oceanside, LLC, f.k.a. 1250 Oceanside Partners
12 c/o Simon Klevansky
Klevansky Piper, LLP
13 841 Bishop Street, Suite 1707
Honolulu, Hawaii 96813

14 4. All communications and/or correspondence with Judgment Creditor
15 should be sent to:

16 Simon Klevansky
Klevansky Piper, LLP
17 841 Bishop Street, Suite 1707
Honolulu, Hawaii 96813

18 and

19 Arthur Shwab
20 Bush Strout & Kornfeld LLP
601 Union Street, Suite 5000
21 Seattle, Washington 98101

NOTICE AND AFFIDAVIT FOR FILING FOREIGN
JUDGMENT - Page 2

BUSH STROUT &
KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2573
Telephone (206) 292-2110
cfsmile (206) 292-2104



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1 5. This affidavit is made in reference to the filing of a foreign judgment
2 against Dennis R. Cook with the above-titled Court. The judgment was initially entered
3 on December 04, 2014, by the United States Bankruptcy Court for the District of
4 Hawaii, under Case No. 13-00353, Adversary Proceeding No. 13-90079, in the amount
5 of \$421,194.86, plus post-judgment interest at the rate of 0.14% per annum. An original
6 exemplified copy of the judgment is attached hereto.

7 6. Absent renewal, the judgment expires on December 4, 2024, 10 years
8 from the date of entry, in accordance with Hawaii law.

9 DATED this 29th day of January, 2015.

10
11 By 
12 Arthur A. Shwab, WSBA #44250
13 Attorneys for 1250 Oceanside, LLC,
14 f.k.a. 1250 Oceanside Partners
15 BUSH STROUT & KORNFELD LLP
601 Union Street, Suite 5000
Seattle, Washington 98101
Telephone: 206.292.2110
ashwab@bskd.com

16 SUBSCRIBED AND SWORN to before me this 29th day of January, 2015, by
17 Arthur Shwab.

18 
19 PAULA J. SUTTON
20 Notary Public in and for the State of Washington,
21 residing at Seattle, WA.
My commission expires: 12-29-16

18 **PAULA J. SUTTON**
19 STATE OF WASHINGTON
20 **NOTARY PUBLIC**
21 MY COMMISSION EXPIRES
12-29-16

NOTICE AND AFFIDAVIT FOR FILING FOREIGN
JUDGMENT – Page 3

BUSH STROUT &
KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
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United States Bankruptcy Court

District Of Hawaii

Adversary Proceeding No. 13-90079

In re 1250 Oceanside Partners, a Hawaii limited partnership, vs. Dennis R. Cook, et al.

Case No. 13-00353

Debtor 1250 Oceanside Partners, a Hawaii limited partnership

EXEMPLIFICATION CERTIFICATE

I, MICHAEL B. DOWLING, clerk of the bankruptcy court for this district and keeper of the records and seal of the court, certify that the documents attached are true copies of

Final Judgment, filed on December 4, 2014

now remaining among the records of the court. In testimony of this statement, I sign my name, and affix the seal of this court at United States Bankruptcy Court, in the State of Hawaii, this JAN - 5 2015.

[Seal of Court] _____
Clerk of the Bankruptcy Court

I, ROBERT J. FARIS, bankruptcy judge for this district certify that MICHAEL B. DOWLING is and was at the date of the above certificate clerk of the bankruptcy court for this district, duly appointed and sworn, and keeper of the records and seal of the court, and that the above certificate of the clerk and the clerk's attestation are in due form of law.

JAN - 5 2015
Date

Bankruptcy Judge

I, MICHAEL B. DOWLING, clerk of the bankruptcy court for this district and keeper of the seal of the court, certify that the Honorable ROBERT J. FARIS is and was on the date of the above certificate a judge of this court, duly appointed and sworn, and that I am well acquainted with this handwriting and official signature and know and certify the signature written above to be that of the judge.

In testimony of this statement, I sign my name, and affix the seal of the court at Honolulu, in the State of Hawaii, this JAN - 5 2015.

[Seal of Court] _____
Clerk of the Bankruptcy Court



201502190072

Date Signed:
December 4, 2014



SO ORDERED.

Robert J. Faris
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF HAWAII**

In re

1250 OCEANSIDE PARTNERS, a
Hawaii limited partnership, et al.,

Debtors and Debtors-in-Possession.

Case No. 13-00353
(Chapter 11)
(Jointly Administered)

1250 OCEANSIDE PARTNERS, a
Hawaii limited partnership,

Plaintiff,

v.

DENNIS R. COOK; SUN KONA
FINANCE II, LLC, a Delaware limited
liability company; HOKULI'A
COMMUNITY ASSOCIATION,
INC., a Hawaii non-profit corporation;
HOKULI'A PARK AND CULTURAL
SITES ASSOCIATION, INC., a
Hawaii non-profit corporation; JOHN
DOES 1-50; JANE DOES 1-50; DOE
CORPORATIONS 1-50; DOE
PARTNERSHIPS 1-50; and DOE
ENTITIES 1-50,

Defendants.

Adversary Proceeding No. 13-90079

FINAL JUDGMENT



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FINAL JUDGMENT

Pursuant to the Order Granting Motion for Entry of Deficiency Judgment in Favor of Oceanside and Against Defendant Dennis R. Cook on Count I of the Complaint, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Final judgment is entered in favor of Plaintiff, 1250 OCEANSIDE, LLC, formerly known as 1250 OCEANSIDE PARTNERS ("Oceanside") and against Dennis R. Cook, on Count I of the Complaint, in the amount of **\$421,194.86** (the "Judgment Amount").

2. Post-judgment interest shall accrue on the Judgment Amount from the date of judgment, at the federal post-judgment interest rate of 0.14% per annum.

3. Defendant Sun Kona Finance II, LLC ("SKF II"), or an entity designated by SKF II, has rights with respect to the Judgment Amount, as set forth in that certain Order Granting Motion for Approval of Stipulation and Order re Carryback Mortgages, in Oceanside's main bankruptcy proceeding, at Docket No. 260.

4. This judgment shall be final pursuant to Fed. R. Civ. P. 54(b) and Fed. R. Bankr. P. 7054.

END OF ORDER



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Approved by:

/s/ Allison A. Ito

JAMES A. WAGNER
ALLISON A. ITO
Attorneys for Defendant
Sun Kona Finance II, LLC

Submitted by:

KLEVANSKY PIPER, LLP
SIMON KLEVANSKY
ALIKA L. PIPER
NICOLE D. STUCKI
841 Bishop Street, Suite 1707
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Telephone: (808) 536-0200
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apiper@kplawhawaii.com; nstucki@kplawhawaii.com
Attorneys for Plaintiff, 1250 Oceanside, LLC, formerly
known as 1250 Oceanside Partners



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